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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,765	09/18/2003	Ikuo Niimura	1232-5155	6378

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NEW YORK, NY 10281-2101

EXAMINER
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JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/665,765

Applicant(s)

NIIMURA, IKUO

Examiner

Kelly L. Jerabek

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-10 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***New Examiner of Record***

The prosecution of this application has been transferred to Examiner Kelly Jerabek from the docket of Examiner Gary Vieaux. Any inquiry concerning this Office Action or earlier communications should be directed to the current Examiner of record. Current contact information is provided in the last section of this communication.

### ***Election/Restrictions***

Applicant's election with traverse of species I pertaining to claims 1-3 and 11-17 in the reply filed on 6/29/2007 is acknowledged. The traversal is on the ground(s) that despite the identification of five groups in the Election/Restriction requirement, the Examiner has not established that a completely separate field of search would be required for each of these species. This is not found persuasive because this argument only applies to restrictions. In order to traverse a species election, Applicant must submit evidence showing that the species are not patentably distinct. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or

admission may be use in a rejection under 35 U.S.C. 103(a) of the other invention. Additionally, the Examiner notes that elected claims 13-17 are not readable on elected species I and therefore do not pertain to the elected species.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4-10and 13-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/29/2007.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

Claim 12 is objected to because of the following informalities: "sends image data" should be changed to "sensed image data". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondoh et al. US 6,968,058 in view of Obana US 6,970,561.**

Re claims 1-3, Kondoh discloses in a first embodiment an image sensing apparatus (100) which generates image data and authentication data (MAC) necessary for a process of authenticating whether the image data is altered, and also discloses key data (Kprivate) necessary to generate the authentication data (col. 4, line 42-col. 5, line 36). However, Kondoh does not specifically state that the key data necessary to

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generate the authentication data is erased in accordance with a predetermined condition such as when a user turns off a power supply.

Obana discloses a method for encryption and decryption with endurance to cryptanalysis. Obana states in the background section that it is well known in the art for communication devices to dynamically erase key information stored in a volatile memory when power is turned off and to re-load the key information when the supply of power is resumed (col. 1, line 65-col. 2, line 4). Therefore, it would have been obvious for one skilled in the art to have been motivated to include logic to erase key information in a device when power is turned off and re-load the key information when the supply of power is resumed as disclosed by Obana in the image sensing apparatus disclosed by Kondoh. Doing so would provide a means for improving secretness in an encrypting communication device (Obana: col. 1, lines 65-66).

Re claim 11, Kondoh discloses in a first embodiment an image sensing apparatus (100) having an image sensing unit (2), comprising: a storage unit (17) for storing image data obtained by image sensing by the image sensing unit (2) in a predetermined storage medium; and a key data generation unit (11) for generating key data ( $K_{private}$ ) necessary to generate authentication data (MAC) to be added to image data to be stored on the basis of pre-stored original data (col. 4, line 42-col. 5, line 36). However, Kondoh does not specifically disclose in the first embodiment a control unit for controlling an existing period of the key data generated by the key-data generating unit.

Obana discloses a method for encryption and decryption with endurance to cryptanalysis. Obana states in the background section that it is well known in the art for communication devices to dynamically erase key information stored in a volatile memory when power is turned off and to re-load the key information when the supply of power is resumed (col. 1, line 65-col. 2, line 4). Thus, it can be seen that the prior art disclosed by Obana includes a control unit for controlling an existing period of the key data generated by the key-data generation unit. Therefore, it would have been obvious for one skilled in the art to have been motivated to include logic to erase key information in a device when power is turned off and re-load the key information when the supply of power is resumed as disclosed by Obana in the image sensing apparatus disclosed by Kondoh. Doing so would provide a means for improving secretness in an encrypting communication device (Obana: col. 1, lines 65-66).

Re claim 12, Kondoh discloses in a first embodiment an image sensing apparatus (100) which compression-coded an image sensed by an image sensing unit (2), and stores the compression-coded image in a detachable storage medium (17), and which can communicate with an external apparatus (101), comprising: an authentication data adding unit (11) for adding, to sensed image data, authentication data (MAC) for authenticating whether the sensed image data is altered, when the sensed image data is stored in the storage medium (17) (col. 4, line 42-col. 5, line 36). However, Kondoh does not specifically disclose in the first embodiment a setting unit for setting an existing period of the key data generated by the key-data generating unit.

Obana discloses a method for encryption and decryption with endurance to cryptanalysis. Obana states in the background section that it is well known in the art for communication devices to dynamically erase key information stored in a volatile memory when power is turned off and to re-load the key information when the supply of power is resumed (col. 1, line 65-col. 2, line 4). Thus, it can be seen that the prior art disclosed by Obana includes a setting unit for setting an existing period of the key data generated by the key-data generation unit. Therefore, it would have been obvious for one skilled in the art to have been motivated to include logic to erase key information in a device when power is turned off and re-load the key information when the supply of power is resumed as disclosed by Obana in the image sensing apparatus disclosed by Kondoh. Doing so would provide a means for improving secretness in an encrypting communication device (Obana: col. 1, lines 65-66).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bell et al. (US 2004/0201751) discloses a secure digital photography system. The information regarding encrypting image data is relevant information.

### **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on **(571) 272-7372**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

KLJ



LIN YE  
SPE. ART UNIT 2622